

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 5:16-cv-00218-GCM**

EDIE BROOM CARROLL,

Plaintiff,

v.

NANCY BERRYHILL,
Acting Commissioner Of
Social Security,

Defendant.

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Order

THIS MATTER is before the Court on the Consent Motion for Attorney Fees under the Equal Access to Justice Act (Doc. No. 16). The Parties have agreed that Plaintiff, Edie Broome Carroll, should be awarded attorney fees under the EAJA in the amount of \$3,900.00 in full and final settlement of attorney fees and costs arising under the Equal Access to Justice Act (EAJA). 28 U.S.C. § 2412(d). Pursuant to the United States Supreme Court's ruling in *Astrue v Ratliff*, 130 S. Ct. 2521 (2010), these EAJA fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the federal government. If, subsequent to entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If such a debt is present, then any remaining fee after offset will be payable to Plaintiff and delivered to Plaintiff's counsel.

It is therefore **ORDERED** that, pursuant to the above, the Commissioner pay the sum of \$3,900.00 in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sums this case is dismissed with prejudice.

SO ORDERED.

Signed: July 2, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

